

REMARKS

The Applicants thank the Examiner for the thorough consideration given the present application. Claims 3 and 10 are currently being prosecuted. The Examiner is respectfully requested to reconsider her rejections in view of the amendments and remarks as set forth below.

Entry of Amendment

Applicants submit that the present amendment should be entered into the official file and receive full consideration since claims are cancelled and only the dependency of one claim is changed. Accordingly, this claim is considered to not involve any new issues.

Restriction

The Examiner pointed out that claims 4, 6-9 and 11 remain withdrawn from consideration as being drawn to a non-elected invention. By way of the present amendment, these claims have been cancelled in order to place the application in condition for allowance. Applicants reserve the right to file divisional applications based on these non-elected claims.

Rejection under 35 U.S.C. § 102

Claims 1 and 10 stand rejected under 35 U.S.C. § 102 as being either anticipated by or obvious over Mizutani et al. (U.S. 6,569,140). This rejection is respectfully traversed.

Claim 1 has been cancelled rendering this part of the rejection moot. Claim 10 has been amended to now depend from claim 3. Accordingly, this part of the rejection is also rendered moot.

Rejection under 35 U.S.C. §103

Claims 1 and 10 stand rejected under 35 U.S.C. § 103 as being obvious over Taylor (WO 95/08972) in view of Boberg (WO 99/16398) and Correa et al. U.S. 5,312,386). This rejection is respectfully traversed.

Since claim 1 has been cancelled, this rejection is rendered moot. Also, claim 10 has now been made to depend from claim 3 rendering this part of the rejection moot as well.

Claim 1, 3 and 10 stand rejected under 35 U.S.C. § 103 as being obvious over Miyamoto (U.S. Published Application 2003/0120247) in view of Boberg and Correa et al. This rejection is respectfully traversed.

First, in regard to claim 1, this claim has been cancelled rendering this part of the rejection moot.

It is noted that the primary reference, Miyamoto, has a filing date of December 21, 2001. The priority documents of the present application are dated January 29, 2001 and December 13, 2001, which predate the Miyamoto reference. By way of the present amendment, Applicants are submitting English translations of the two priority documents in order to perfect the priority claim. In view of the fact that the translations are now being submitted and in view of the fact that the priority dates predate the filing date of the Miyamoto reference, Applicants submit that this rejection is also overcome.

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CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejections and allowance of all of the claims is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert F. Gnuse, Registration No. 27,295, at (703) 205-8067, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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Attachments: English Translation of Japanese Application No. 2001-19330
English Translation of Japanese Application No. 2001-380693